

HOUSE BILL NO. 109

INTRODUCED BY D. SALOMON

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF AGRICULTURE TO PROVIDE SAMPLING SERVICES IN CROP-RELATED DISPUTES; PROVIDING FOR FEES; AND GRANTING RULEMAKING AUTHORITY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Plant sampling provided -- fees -- rulemaking authority. (1) In a dispute in which a plant sample would serve a useful purpose to clarify, quantify, or settle the dispute, either party may file with the department a request that the department provide sampling services.

(2) The department shall charge a fee that covers the costs of providing the sampling service. Costs associated with sampling must be paid by the person who requested the sampling unless:

(a) both parties agree to a different assignment of costs through a contractual or settlement agreement;

or

(b) a different allocation has been ordered through mediation or a court order.

(3) The department shall adopt rules to implement this section.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 80, chapter 2, and the provisions of Title 80, chapter 2, apply to [section 1].

- END -